

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF OKLAHOMA**

**DARRYL M. BUCKNER,**

**Plaintiff,**

**v.**

**MCGUIRE TRANSPORTATION, INC., a  
Texas Corporation  
MARCUS R. WILSON, an individual, and  
IAT INSURANCE COMPANY, a Foreign  
Corporation.**

**Defendants.**

**Case No. 16-CV-464-RAW**

**NOTICE OF REMOVAL**

Defendants, McGuire Transportation, Inc., Marcus R. Wilson, and Acceptance Indemnity Insurance Company (incorrectly named as IAT Insurance Company), file this Notice of Removal as follows:

1. Defendants desire to exercise their right under the provisions of 28 U.S.C. §1441, *et seq.*, to remove this action from the Oklahoma District Court of Pittsburg County, in which said cause now is pending under the name and style *Darryl M. Buckner v. McGuire Transportation, Inc. a Texas corporation, Marcus R. Wilson, an individual, and IAT Insurance Company, a Foreign Corporation, CJ-16-228*.

2. The above-described action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one which may be removed to this Court by the Petitioners, Defendants herein, pursuant to the provisions of 28 U.S.C. §1441, in that it is a civil action wherein the matter in controversy exceeds the

sum or value of \$75,000.00 exclusive of interest and costs, and is between a Plaintiff and Defendants which are citizens of different states.

3. This action was initially filed on October 3, 2016. Service of process was made October 11, 2016 upon McGuire Transportation, Inc. Service of process was made on October 8, 2016 upon Marcus R. Wilson, and service of process was made on IAT Specialty/Acceptance Indemnity Insurance Company on or about October 7, 2016. In accordance with 28 U.S.C. §1446(b), this removal is being timely filed.

4. The Plaintiff, Darryl M. Buckner, is a citizen of Oklahoma.

5. Defendant, McGuire Transportation, Inc. is a Texas company with its principal place of business in Texas.

6. Defendant, Marcus R. Wilson, is a citizen of Texas.

7. Defendant, Acceptance Indemnity Insurance Company (incorrectly named as IAT Insurance Company), is a Nebraska company with its principal place of business in North Carolina.

8. Pursuant to 28 U.S.C. §1446(a) and LCvR 81.2, Defendants attach herewith clearly legible copies of the following documents:

1. State Court Docket Sheet (Exhibit 1);
2. 10/03/2016 - Petition (Exhibit 2);
3. 10/03/2016 - Request for Court Costs (Exhibit 3);
4. 10/11/2016 - Summons and Return of Service for IAT Specialty (Exhibit 4);
5. 10/11/2016 - Summons and Return of Service for Marcus Wilson (Exhibit 5); and
6. 10/14/2016 - Summons and Return of Service for McGuire Transportation Company, Inc. (Exhibit 6)

9. For the foregoing reasons and premises, Defendants desire and are entitled to have this cause removed from the District Court of Pittsburg County, Oklahoma, to the United States District Court for the Eastern District of Oklahoma, such being the district where said suit is pending.

10. Written notice of the filing of this Notice of Removal will be given to adverse parties as required by law.

11. A true copy of this Notice of Removal will be filed with the District Court of Pittsburg County, State of Oklahoma, as provided by law.

WHEREFORE, Defendants, McGuire Transportation, Inc., Marcus R. Wilson, and Acceptance Indemnity Insurance Company (incorrectly named as IAT Insurance Company), pray that this action be removed to this Court, and this action be placed on the docket of this Court for further proceedings, the same as though this action originally had been instituted in this Court.

Respectfully submitted,

/s/ James W. Dobbs  
James W. Dobbs, OBA No. 14995  
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ATTORNEY FOR DEFENDANTS

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of October, 2016, a true and correct copy of the foregoing document was mailed by U.S. Mail with proper postage prepaid thereon to the following parties of interest:

Jeremy Beaver  
P.O. Box 160, 323 E. Carl Albert Pkwy  
McAlester, OK 74502  
[Jeremy@gotcher-beaver.com](mailto:Jeremy@gotcher-beaver.com)  
ATTORNEY FOR PLAINTIFFS

/s/ James W. Dobbs